

**Remarks**

Claims 1, 3-7, 9-14, 16, 18-21, 23, and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,086,204 to Magnante ("Magnante"). Williams et al. Claim 17 was deemed to be allowable if rewritten in independent form.

In this response, Applicants have added new claims 28-37. Claims 1, 3-7, 9-14, 16-21, 23, 25-27, and new claims 28-37 are currently pending. Applicants respectfully request withdrawal of the rejections to claims 1, 3-7, 9-14, 16, 18-21, 23, and 25-27 and allowance of new claims 28-37.

**A. Rejections under 35 U.S.C. § 103(a):**

Claims 1, 3-7, 9-14, 16, 18-21, 23, and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Magnante.

Magnante issued from a patent application filed in the United States on September 20, 1999, and therefore is available as a reference under 35 U.S.C. § 102(e) as of that date.

Applicant's present application claims priority to German Patent Application No. DE 199 38 203.4, which was filed on August 11, 1999. To perfect the claim of priority, Applicants submit herewith a translation of the priority document together with a statement that the translation is accurate as required by MPEP § 201.15.

Applicants respectfully submit that DE 199 38 203.4 provides sufficient support for the claims rejected as being unpatentable over Magnante, and that those claims are therefore entitled to the priority date of August 11, 1999. Accordingly, Magnante is not available as prior art to those claims, and withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

**B. New Claims 28-37:**

Applicants have added new claims 28-37 and respectfully submit that those claims are allowable.

New independent claim 28 recites a device for correcting visual defects of an eye that includes the coherent light source, beam modification device, and wavefront analyzer features of claim 1, and includes the additional feature of "a control unit processing the signals from the

wavefront analyzer so as to analyze the wavefront, and simultaneously controlling at least one of the beam modification device and the coherent light source so as to process the optical element.”

New independent claim 32 recites a method for correcting visual defects of an eye that includes the step of “simultaneously processing an optical element using a beam modification device.”

Support for the new independent claims is found in the originally filed U.S. application, for example, at paragraph [0020].

Applicants respectfully submit that new independent claims 28 and 32, and their dependent claims 29-31, and 33-37 are allowable over Magnante, which does not teach or suggest on-line processing of an optical element using a beam modification at the same time that the measurements of the eye are being taken.

### **CONCLUSION**

In view of the amendments made and arguments presented, Applicants respectfully submit that the presently pending claims are in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,  
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